

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PAUL JOSEPH,

Plaintiff,

MEMORANDUM AND ORDER

Case No. 16-CV-1534-FB-LB

-against-

EXCELLENCE AUTO TRADE LLC,

Defendant.

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BLOCK, Senior District Judge:

On February 10, 2017, Magistrate Judge Bloom issued a Report and Recommendation (“R&R”) recommending that a default judgment be entered in favor of the plaintiff in the total amount of \$14,100.13. The R&R advised that “the parties shall have fourteen days from service of this Report to file written objections,” and warned that “[f]ailure to file a timely objection to this Report generally waives any further judicial review.” R&R 16. The R&R was served by mail to the defendant’s address of record on February 13, 2017, making objections due by February 27th. To date, no objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences,

failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court, however, will excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R. Therefore, the Court adopts it without de novo review. The Clerk shall enter judgment in accordance with the R&R.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
March 27, 2017